

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**PROGRESSIVE CASUALTY
INSURANCE COMPANY,
Plaintiff,**

VS.

**BUDGET RENT A CAR SYSTEM,
INC.,**

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CASE NO. 1:06CV1501

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J.:

This matter is before the Court upon a Complaint for Declaratory Judgment as to the existence of a duty to defend or provide coverage for an underlying motor vehicle accident case pending in the Supreme Court of the State of New York. On July 20, 2007, the Sixth Circuit Court of Appeals, in *Travelers Indemnity Company v. Bowling Green Professional Associates, PLC*, No. 06-6038, 2007WL 2066861, held it was an abuse of discretion for the district court to exercise discretion over a declaratory judgment action brought by an insurer to determine the issue of coverage in an underlying state court action.

Therefore, the parties are ordered to submit briefs, by August 7, 2007, whether *Travelers* requires this Court to decline to exercise jurisdiction, or whether *Travelers* is distinguishable from the captioned case.

IT IS SO ORDERED.

DATE: July 25, 2007

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge